

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, *ex rel.*
Jacob Kuriyan and STATE OF NEW MEXICO,
ex rel. Jacob Kuriyan,

Plaintiffs,

vs.

No. CIV 16-1148 JB/KK

HEALTH CARE SERVICES CORPORATION
doing business as BLUE CROSS & BLUE
SHIELD OF NEW MEXICO; MOLINA
HEALTHCARE OF NEW MEXICO, INC.;
PRESBYTERIAN HEALTH PLAN, INC.;
UNITEDHEALTHCARE OF NEW MEXICO,
INC. and HCSC INSURANCE SERVICES CO
doing business as BLUE CROSS & BLUE
SHIELD OF NEW MEXICO,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the letter from Paul R. Ritzma, Chief General Counsel, New Mexico Human Services Department, to the Court (dated August 17, 2022), filed August 17, 2022 (Doc. 327 (Ex Parte)) (“Letter”). The Letter concerns: (i) an objection from the June 2, 2022 deposition of Jason Sanchez, filed June 17, 2022 (Doc. 288-7) (“Sanchez Dep.”); (ii) an objection from the June 1, 2022 deposition of Brent Earnest, filed June 17, 2022 (Doc. 288-6) (“Earnest Dep.”); and (iii) Relator’s Notice of Questions for Brent Earnest and Jason Sanchez, filed July 15, 2022 (Doc. 310) (“Proposed Questions”).

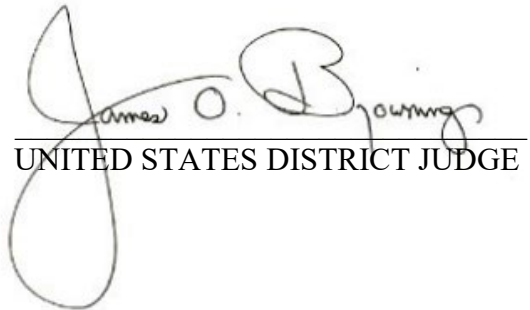
1. Jason Sanchez. The fact that an attorney talks to a client is not privileged. Sanchez will need to answer the question that was presented, i.e., “Did Mr. Ritzma say anything in the e-

mail that accompanied these documents?” See Sanchez Dep. at 3. He may give a one-word answer.

2. Brent Earnest. Earnest does not need to answer the question to which Mr. Ritzma objects, i.e., “What about the deposition?” See Earnest Dep. at 4.

3. Proposed Questions. Relator Jacob Kuriyan may ask question number five from the list of Proposed Questions, but not the follow-up question or any other questions. See Proposed Questions at 2. The deponents may answer question number five with a one-word answer.

IT IS ORDERED that: (i) Jason Sanchez will need to answer the question that was posed, i.e., “Did Mr. Ritzma say anything in the e-mail that accompanied these documents?”; (ii) Brent Earnest does not need to answer the question to which Mr. Ritzma objects, i.e., “What about the depositions?”; (iii) Sanchez and Earnest will need to answer question five from Relator’s Notice of Questions for Brent Earnest and Jason Sanchez, filed July 15, 2022 (Doc. 310); and (iv) no other question may be asked or need be answered.



UNITED STATES DISTRICT JUDGE

Counsel:

Bryan J. Davis
William Garth Gilchrist
Ellen A. Geske
Davis & Gilchrist, P.C.
Albuquerque, New Mexico

-- and --

Robert L. Lieff
Lieff Cabraser Heimann & Bernstein, LLP
San Francisco, California

Attorneys for the Plaintiff

Benjamin E. Thomas
Christina Muscarella Gooch
Sutin, Thayer & Browne A Professional Corporation
Albuquerque, New Mexico

-- and --

Edwin E. Brooks
McGuireWoods LLP
Chicago, Illinois

-- and --

Steven Hamilton
Reed Smith LLP
Chicago, Illinois

Attorneys for Defendant Healthcare Services Corporation

Benjamin E. Thomas
Christina Muscarella Gooch
Sutin, Thayer & Browne A Professional Corporation
Albuquerque, New Mexico

-- and --

Jarrad Lucian Wood
Reed Smith LLP
Los Angeles, California

-- and --

Jason T. Mayer
Steven Hamilton
Reed Smith LLP
Chicago, Illinois

Attorneys for Defendant HCSC Insurance Services Co

Gregory Marshall
Jeanne Y. Sohn
Snell & Wilmer L.L.P.
Albuquerque, New Mexico

-- and --

Steven Paul Ragland
Julia L. Allen
Maya Perelman
Keker, Van Nest & Peters LLP
San Francisco, California

Attorneys for Defendant Molina Healthcare of New Mexico, Inc.

Charles J. Stevens
Peter Lyons George, Jr.
Winston Y. Chan
Gibson, Dunn & Crutcher LLP
San Francisco, California

-- and --

Charles K. Purcell
Rodey, Dickason, Sloan, Akin & Robb, P.A.
Albuquerque, New Mexico

Attorneys for Defendant Presbyterian Health Plan, Inc.

Matthew Eric Jackson
Peifer, Hanson, Mullins & Baker, P.A.
Albuquerque, New Mexico

-- and --

Mark T. Calloway
Michael R. Hoernlein
Alston & Bird LLP
Charlotte, North Carolina

Attorneys for Defendant UnitedHealthcare of New Mexico, Inc.

Alexander M.M. Uballez
United States Attorney
Brian M. Boynton
Principal Deputy Assistant Attorney General
Ruth Fuess Keegan
Assistant United States Attorney
United States Attorney's Office
Albuquerque, New Mexico

-- and --

Jamie Ann Yavelberg
Patricia L. Hanower
Carol Lynn Wallack
David W. Tyler
Attorneys, Civil Division
United States Department of Justice, Civil Division
Washington, District of Columbia

Attorneys for the United States of America

Hector Balderas
New Mexico Attorney General
Zachary Shandler
Constance Tatham
Assistant Attorneys General
New Mexico Office of the Attorney General

Attorneys for the State of New Mexico